



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8080-99

7 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 21 December 1983. At that time you had completed almost six years of active service on a prior enlistment. On 24 September and 31 October 1984 you received nonjudicial punishments for drunkenness, use of marijuana, disobedience and disrespect.

On 1 November 1984 you were notified of separation processing due to drug abuse and alcohol rehabilitation failure. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 15 November 1984 the discharge authority directed discharge under other than honorable conditions due to drug abuse. It was also directed that you be offered inpatient alcohol rehabilitation prior to discharge. There are no further entries in the record concerning this matter. You were discharged under other than honorable conditions on 19 November 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contentions that your disciplinary problems were caused by your alcoholism, and you are now a recovering

alcoholic. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and drug abuse. Concerning your alcoholism, the Board noted that you failed to complete a rehabilitation program when it was offered, and you may have either refused to attend or failed to complete another rehabilitation program prior to discharge. The Board was aware that regulations allow for discharge under other than honorable conditions when an individual is discharged due to drug abuse. Since you have been treated no differently than many others, the Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You may be eligible for veterans' benefits based on your first period of honorable service. Therefore, if you have been denied benefits you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director